

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  <b>vs.</b>  <b>FLOYD AUGUST DAVIS, (all in jail)</b> <b>SAMMIE LEON DAVIS, and</b> <b>ELLA OLETA HOLMES</b>	<b>For U. S.:</b> <b>Hubert H. Bryant</b>   <b>For Defendant:</b> <b>Robert G. Brown (Appt) (F. Davis)</b> <b>500 W. 7th, Tulsa</b> <b>Ainslie Perrault, Jr. (Appt-S.</b> <b>Philtower Bldg., Tulsa Davis,</b> <b>Roehm West (Ret.) (Holmes)</b> <b>Fourth Natl. Bldg., Tulsa</b> <b>R. Norvell Graham, Jr. (Ret.)</b> <b>2500 Tower Life Bldg.</b> <b>San Antonio, Tex. 78205</b>

STATISTICAL RECORD	COSTS	DATE	RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-1-75 F. DAVIS 6-1-75 J.S. 3 mailed S. DAVIS 6-1-75 E. Holmes 6-1-75 Violation Armed Bank Robbery Conspiracy Title 18 Sec. 2113(a)(d) & 371 2113(a) \$5,000 &/or 20 yrs. 2113(d) \$10,000 &/or 25 yrs. 371 \$10,000 &/or 5 yrs. 3 Counts	F. DAVIS - REOPENED 11-29-76. Clerk CLOSED 12-21-76. DAVIS-SUPPL. J.S. 3, 5-19-78. Marshal Suppl. Holmes 10-1-75 Docket fee				

DATE	PROCEEDINGS
4-15-75	Indictment, filed in open court. hm
4-15-75	Record vote of the Grand Jury, filed in open court. hm
4-16-75	MO: Case set for arraignment 4-29-75 at 10:00 a.m. (HDC-J)hm
4-16-75	Magistrate papers added to file. v
4-29-75	Case called for arraignment as to each deft. Each deft. present and represented; govt. represented. Each deft. acknowledges receipt of indictment, indictment read, defts. advised of charged, arraigned, and defts. <u>Floyd August Davis</u> and <u>Sammie Leon Davis</u> enter pleas of GUILTY as to Cts. 1, 2 & 3. Defts. Davis & Davis adjudged GUILTY as charged in Cts. 1, 2 & 3. Deft. <u>Ella Oleta Holmes</u> enters plea of GUILTY as to Ct. 1 and is adjudged GUILTY as charged in Ct. 1. Waivers of Jury signed and filed in open court, as to each deft. Sentence on each deft. passed to 5-21-75 at 10:00 a.m., and defts. remanded to custody of U.S. Marshal. R. Norvell Graham, Jr., admitted for purposes of this case. (HDC-J)hm
5-20-75	MO: Ordered that sentencing is continued to 5-27-75 at 10:00 a.m. (HDC-J)
5-27-75	Case called for sentence as to each deft. Each deft. present and represented; govt. represented. Each deft. & each counsel asked if

4/20/77

Sammie Leon Davis

Reg. No. 35739-136

Box 1000

Tulsa, Okla.

98388

(Ret.)  
 Douglas Bishop (F. Davis)  
 3025 E. Skelly Dr.  
 Tulsa, Okla.

DATE	PROCEEDINGS
	<p>THEY care to say anything before sentence is pronounced.</p> <p><u>Judgment and Sentence - Floyd August Davis (Age 33)</u></p> <p>Atty. Gen. - Ct. 1 - Five (5) Years</p> <p>Atty. Gen. - Ct. 2 - Twenty (20) Years</p> <p>Atty. Gen. - Ct. 3 - Twenty (20) Years</p> <p>IT IS FURTHER ADJUDGED that Ct. 1 shall begin at the expiration of and run consecutively to the sentence imposed in Ct. 2.</p> <p>IT IS FURTHER ADJUDGED that Ct. 2 shall run concurrently with the sentence imposed in Ct. 3.</p> <p><u>Judgment and Sentence - Sammie Leon Davis (Age 28)</u></p> <p>Atty. Gen. - Ct. 1 - Five (5) Years</p> <p>Atty. Gen. - Ct. 2 - Three (3) Years</p> <p>Atty. Gen. - Ct. 3 - Eight (8) Years</p> <p>IT IS FURTHER ADJUDGED that Ct. 2 shall begin at the expiration of and run consecutively to the sentence imposed in Ct. 1.</p> <p>IT IS FURTHER ADJUDGED that Ct. 3 shall run concurrently with the sentence imposed in Cts. 1 &amp; 2.</p> <p><u>Judgment and Sentence - Ella Oleta Holmes (Age 51)</u></p> <p>Atty. Gen. - Ct. 1 - Five (5) Years, for a study as described in T. 18, U.S.C.A., Sec. 4208(c), the results of such study to be furnished this Court within 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with T. 18, U.S.C.A., Sec. 4208(b).</p> <p>All defts. remanded to custody of U.S. Marshal. (HDC-J)hm</p>
5-27-75	Judgment and Commitment as to deft. Floyd August Davis, filed and entered. (HDC-J)hm
5-27-75	Judgment and Commitment as to deft. Sammie Leon Davis, filed and entered. (HDC-J)hm
5-27-75	Judgment and Commitment as to deft. Ella Oleta Holmes, filed and entered. (HDC-J)hm
5-27-75	Two c/c of each J&C delivered to U.S. Marshal. hm
6-5-75	Notice of intent to appeal of deft. (pro se), filed. hm (of F. Davis)
6-5-75	Notice of intention to appeal and motion for a new trial, filed. hm (of F. Davis)
6-6-75	Order overruling motion for a new trial, filed and entered, and setting appeal bond at \$65,000.00. (HDC-J)hm (copies mailed)(as to deft. F. Davis)
6-23-75	J&C, ret. & filed: deft. Ella Oleta Holmes delivered to FCI, Lexington, Ky., on 6-14-75. g
7-9-75	J&C, ret. & filed: deft. Sammie Leon Davis delivered to US Pen., McNeil Island, Washington, 6-13-75. g
7-15-75	Motion of Douglas Bishop to withdraw as counsel for Floyd Davis, filed. rm
7-15-75	Motion for order extending time to file & docket appeal, re Floyd Davis, filed. rm
7-15-75	Order, filed, granting def., Floyd Davis, to 9/1/75 to transmit & docket record on appeal. (HDC-J)rm-copies to counsel and USCA
7-15-75	MO: MO: Bishop to withdraw as counsel denied. (HDC-J)hm-ltr
7-25-75	Petition of def. Floyd August Davis for Clerk to transmit certain records in forma pauperis, filed. rm
7-25-75	MO: Ordered by the Ct. that petition of def. Floyd August Davis for copies of Ct. records is hereby denied. Notice of appeal was filed by counsel for def. and the record on appeal will be timely transmitted by the Clerk. (HDC-J)rm - letter
8-15-75	MO: This case is set for definitive sentence, re Holmes, for 1:30 p.m., 9/2/75. (HDC-J)rm-notice
9-2-75	Case called for definitive sentence of deft. <u>Ella Oleta Holmes</u> . Deft. present

(cont.)

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DATE	PROCEEDINGS
	and represented; govt. represented. Deft. & counsel asked if they care to say anything before sentence is pronounced.
	Judgment and Sentence - <u>Ella Oleta Holmes</u> (Age 51)
	Imp. of sent. suspended - probation - Four (4) Years from this date. (HDC-J)hm
9-2-75	Judgment and order of probation of deft. <u>Holmes</u> , filed and entered. (HDC-J)hm
9-2-75	Two c/c of J&O of probation delivered to U.S. Probation office. hm
9-26-75	Order of 10th Circuit, allowing Doug Bishop to withdraw as counsel for def., Floyd August Davis, and granting to 10/24/75 for clerk to transmit original record on appeal. rm
10-2-75	Original file sent to USCA at their request. rm
10-9-75	C.C. of Order of USCA granting Floyd A. Davis leave to appeal in forma pauperis and directing Clerk to prepare appeal record, filed. g
10-28-75	Transcript of proceedings had on 4/29/75, arraignment and plea, filed. (T. Bloxom-CR)rm
10-28-75	Transcript of proceedings had on 5/27/75, sentencing, filed. (T. Bloxom-CR)rm
10-28-75	Record on appeal (3 vols. orig. & 3 copies) transmitted to USCA. rm
12-15-75	Ordered filed directing Probation Officer to forward a copy of pre-sentence report to Federal Public Defender, District of Colorado Denver, Colo. (HDC-J)tc cpy mailed.
11-18-76	Copy of Marshals return on J&C, re Floyd August Davis, filed. Def. delivered on 6/19/75 to U.S.P. at Leavenworth, Kan. rm
11-29-76	Mandate & Opinion of USCA, <sup>as to Floyd August Davis</sup> filed and spread of record; judgment of 5-27-75 reversed and cause remanded with directions to vacate the sentence on Count II and to resentence the defendant Floyd Davis on Counts I and III. g
11-30	Order, filed, directing U.S. Marshal to transport deft. Floyd August Davis to this Court for re-sentencing on 12-21-76 at 9:00 a.m. (HDC-J)hm (3 c/c to Marshal, copy to counsel)
12-14-76	USM service of Order for re-sentencing, ret. & filed: deft. Floyd August Davis transported to Tulsa from USP, Leavenworth on 12-11-76. g
12-17	Original record on appeal (3 vols) received from USCA. rm
12-21	Case called for sentence after remand. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sent. is pronounced. Deft. requests new counsel to represent him. Court denies request & Mr. Brown to continue representing deft. as court-appointed counsel. Mo/deft. to enjoin Federal Dist. Court from imposing sentence and/or declaratory relief, filed in open court, and denied. Mo/deft. to vacate judgment-coercive pressure by counsel, prosecutor & Court, filed in open Court, and denied. Deft. states objections to pre-sentence report. In accordance w/opinion and mandate of USCA, Court re-sentences deft.: Judgment and Sentence - FLOYD AUGUST DAVIS (33) Ct. 1 - Atty. Gen. - Five (5) Years Ct. 3 - Atty. Gen. - Twenty (20) Years, to commence at the expiration of & run consecutively to the sent. imposed in Ct. 1. Deft. remanded to cust. of U.S. Marshal. (HDC-J)hm
12-21	Judgment and Commitment, filed and entered. (HDC-J)hm
12-21	Two c/c of J&C delivered to U.S. Marshal. hm

(over)

DATE	PROCEEDINGS
12-28-76	Notice of intent to appeal of deft. Floyd August Davis, filed, w/request for Court to appoint counsel & for reasonable bond to be set. hm (copy to USCA & counsel)
12-28	MO: Ordered by the Court that <sup>appeal as to deft. F. Davis</sup> bond is set in the amt. of \$75,000 cash or surety, and that Court has previously appointed counsel to represent deft. (HDC-J)hm (letter written counsel & deft.)
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1-7	J&C, ret. & filed: deft. returned to USP, Leavenworth 12-27-76; in custody of USM 17 days. g
1-11	Reporter's transcript of proceedings had on 12-21-76, sentencing. (Floyd August Davis), filed. ph
1-24	Original record on appeal (2 vols., orig. & 3 copies) transmitted to 10th Circuit. rm
4-20	Motion to Vacate, Set Aside, or Correct sentence, <sup>of deft. Sammie Davis</sup> etc. (28 USC 2255), fld. (Civil Case Number 77-C-158-C) v
5-19	Motion of deft. Sammie Davis referred to U. S. Magistrate for preliminary review & report. (HDC-J)g
6-23	Order, filed and entered, that mo/vacate, set aside or correct sentence of Sammie Davis is sustained & Ct. II is hereby vacated. (HDC-J)hm (c/c to Warden, U.S.Pen., McNeil Island, Wash.) & copies to parties
7-28-77	Report and order terminating probation prior to original expiration date of deft. Ella Oleta Holmes. (HDC-J)ph
5-17-78	Mandate and Opinion of 10th Circuit, filed and spread of record, Re Floyd August Davis, affirming as to resentencing judg. of trial court; and remanding w/instruction that sentence originally entered on Ct. II be expressly vacated. rm
5-17-78	Letter from 10th Circuit that pet. for writ of cert. was filed on 5/4/78 in Supreme Ct. and assigned No. 77-6687. rm
5-19	Order, filed and entered, pursuant to directions of 10th Circuit, No. 77-1035, the Court does vacate sentence heretofore imposed on Count II of Indictment, re /Floyd August Davis. (HDC-J)rm-c.c. to parties and USP, Leavenworth, Kans
6-7	Letter from 10th Circuit, that pet. for writ of cert. was denied by Supreme Court on 5/30/78. rm
6-12	Orig. appeal record (2 vols - re Floyd August Davis) received from USCA. rm